



Berkeley-Morgan County Board of Health

122 Waverly Ct
Martinsburg, West Virginia 25403-1214
304-263-5131

July 1, 2024

To All Family Day Care Facility Operators:

This letter is provided to assist operators with the process of becoming a licensed and permitted Family Day Care Facility with West Virginia Department of Health and Human Resources (WV DHHR) and the Berkeley County Health Department. A Family Day Care Facility is defined in the WV Day Care Center Regulation (title 64 Series 21) as "a child care center which provides nonresidential child care for seven (7) to twelve (12) children, including children who are living in the household who are less than six(6) years of age. No more than four (4) of the total children may be less than twenty-four (24) months of age." A Family Day Care Facility may operate with a residential kitchen but is a Child Care Center permit with the Berkeley County Health Department in addition to the license required by the WV DHHR. While it is not necessary to hold a Food Permit all Family Day Care Facilities must comply with the 2013 FDA Federal Food Code as adopted by the WV Legislature in 2019.

In order to receive the Child Care Center Permit the following documents must be completed and received no later than 30 days prior to the construction, extension, alteration, or modification of the Family Day Care Facility (15 days if just changing ownership):

- SG-49 (Application for a Permit to Operate)
- SG-99 (Child Care Center Plan Review Information Report)
- Plans and drawings of floor plan for Child Care Center and Kitchen
- Example Menu
- If on an individual septic system and or well (not public water and sewer), a septic and well evaluation will be needed.
 - Evaluates size of septic system
 - Wells require a chlorinator be installed
- Lead Risk Assessment conducted on facilities built prior to 1978 (number below)

Your application will not be stamped received until all above information is submitted.

Once the Health Department receives all of the necessary information, the application will be approved or denied in writing. When the application is approved, a preoperational/opening inspection may be scheduled.

Prior to receiving permits at the opening inspection the Family Day Care Facility must provide documentation on the items listed below. This information will be included in the file for the Family Day Care Facility.

- Pest Control Contract with a WV Certified Pest Control Operator and first service invoice
- Proof of an accredited food certification (example: copy of ServSafe Food Safety Manager card/certificate)
- State Fire Marshal inspection showing compliance with fire safety requirements

Once this documentation is received and the Day Care Center is inspected by health department staff and found compliant with WV Child Care Center Regulations and the 2013 FDA Food Code the center will receive its permits to operate. At that point you will be able to complete the process for "Day Care Center Licensure" for WV DHHR. A walk-through may be scheduled to receive a non-operational copy of these permits to assist you with completing the licensure process faster.

You must contact your assigned sanitarian to schedule walk-through inspections and preoperational/opening inspections. It is strongly suggested to provide the sanitarian at least a week's notice to schedule any inspections. If not found compliant with necessary regulations, additional inspections may be required prior to receiving permits. If you have any questions please feel free to contact us at 304-267-7130 (Berkeley Co.) or 304-258-1513 (Morgan Co.) between the hours of 8:30-10:00am (M-F) to speak with a sanitarian. We look forward to working with you.

Sincerely,
Berkeley-Morgan Board of Health



APPLICATION FOR A PERMIT TO OPERATE

In accordance with applicable West Virginia Department of Health and Human Resources Legislative Rules, application is hereby made for a permit to operate a:

- | | | |
|---|---|--|
| <input type="checkbox"/> Adult Day Care Center | <input type="checkbox"/> Institution, School | <input type="checkbox"/> Park, Playground |
| <input type="checkbox"/> Bed & Breakfast Inn | <input type="checkbox"/> Labor Camp | <input type="checkbox"/> Producer Dairy Farm |
| <input type="checkbox"/> Body Piercing Studio | <input type="checkbox"/> Mass Gathering, Fair, Festival | <input type="checkbox"/> Public Restroom |
| <input type="checkbox"/> Campground
No. of sites _____ | <input type="checkbox"/> Mobile Home Park
No. of sites _____ | <input type="checkbox"/> Recreational Water Facility
(Pool, Bathing Beach, Spa) |
| <input type="checkbox"/> Child Care Center | <input type="checkbox"/> Motel / Hotel
No. of rooms _____ | <input type="checkbox"/> Residential Care Facility
(Shelter, Group Home) |
| <input type="checkbox"/> Correctional Facility | <input type="checkbox"/> Organized Camp | <input type="checkbox"/> Tattoo Studio |
| <input type="checkbox"/> Other _____ | | |

Name of Facility _____

Location _____

Mailing Address _____

City _____ State _____ Zip Code _____

Telephone Number _____ Fax Number _____

Owner or Agent _____ Social Security No. _____
(not required of corporation or gov't agency)

I hereby certify that I have received a copy of the applicable rules and that I am familiar with the contents and requirements therein.

Date

Signature of Applicant
() Owner () Agent

For Department Use Only

Date application received: _____	Permit no. _____
Date plans received: _____ By: _____	Date issued: _____ By: _____
Date plans reviewed: _____ By: _____	Expiration date: _____
Date plans approved: _____ By: _____	Date denied: _____ By: _____
Date inspected: _____ By: _____	Comments: _____
Permit Fee: \$ _____ Date paid: _____	_____



CHILD CARE CENTER CHECKLISTS

Pre-Construction/Renovation Checklist

In order to approve establishment construction you should consider the following standards:

- Floors, walls and ceilings constructed of smooth, non-absorbent, and easily cleanable materials
- Mop (service) sink provided
- Must have a 3-bay sink (with right and left drain boards)
- Adequate space to store soiled items and air dry clean items (drain boards, shelving, or racks)
- Employee hand sinks in prep areas and separate from bathrooms (all hand sinks must have hand soap, drying devices, and hand washing signage)
- Hot water tank must meet needs at peak times
- Water for high temperature dishwasher must reach 160°F on dish surface in order to reach sanitize temperature (180°F at manifold)
- Machine dishwasher must have a visual or audible alarm for chemical detergents and sanitizers
- Must have backflow prevention at mop sink, ice machine, 3-bay sink and food prep sink (should be an air gap)
- Public toilet facilities for both genders (1 toilet and hand sink per 15 children) (door must be self-closing and have an exhaust fan as well as covered waste receptacles)
- Establishment must be completely enclosed from the outside to limit pests
- Garbage and refuse must be stored on a non-absorbent surface and have tight fitting lid
- Sufficient refrigeration for type of facility (must support a temperature of 41°F or lower at all times (See enclosed Food Code Spec Sheet).
- Sufficient light in play and class rooms (50 foot candles)
- Hand sink in diaper changing areas
- Protected chemical storage
- Sufficient laundry area if providing child bedding

Opening Inspection Checklist

Items to consider and to make sure you have before your pre-operating/opening inspection include the following:

- Pest Control Contract (should be for monthly treatment) and first treatment invoice.
- If using a well, chlorinator operational and water tested through Health Department
- Ambient temperature thermometers located 30 inches above the floor level
- Bed for each child with adequate spacing
- Covers for electric outlets
- First Aid Kit (include: water, band aids, thermometer, gauze, tape, scissors, tweezers, disposable gloves, first aid guide)
- All refrigeration equipment turned on and at 41°F or lower.
- All surfaces cleaned and sanitized.
- Probe thermometer (0-220°F scale) for checking hot/cold holding.
- Sanitizer such as unscented bleach or quaternary tablets.
- Sanitizer testing strips (should match sanitizer used) to ensure sanitizer is at correct concentration.
- Single service gloves for handling ready-to-eat foods.
- Hair restraints (nets, hats).
- Pump type soap dispenser and paper towels with dispenser at hand sinks.
- Thermometers in all refrigeration units including cases and reach-ins.

- Copy of the 2013 FDA Food Code on site (not optional).
- Copy of Title 64 Series 21 Child Care Centers (Included in Packet)
- Do you have Standard Operating Procedures (SOP's) in place? SOP's should include: How you will train your food employees regarding food safety as it relates to their position.

Be advised this is not an exhaustive list. Applicants for any type of health department food permit must comply with the 2013 FDA Food Code as adopted by the WV Legislature in 2019 and Title 64 Series 21 Child Care Centers. Failure to comply with this code or conditions constituting an imminent health hazard will result in loss of permit or cause ineligibility for permit at time of inspection.



Child Care Center Plan Review Information Report
(Report must be completed and submitted with copy of plans)

Name of Child Care Center: _____

Location & Mailing Address: _____

Owner: _____ Telephone: _____

Person in Charge: _____ Telephone: _____

Proposed Operating Hours: _____ Proposed Construction/Remodeling Start Date: _____

Proposed Completion & Opening Date: _____

Floor plans showing location of all furnishings and equipment and size of rooms submitted? ☐ Yes ☐ No

GENERAL

1. Maximum number of children to be accommodated: _____ Minimum age: _____ Maximum ages: _____

2. Location is relatively noise and pollution free: ☐ Yes ☐ No

3. Facility located in a basement or below ground level: ☐ Yes ☐ No

4. List types of construction material or covering:

Floors

Walls

Ceilings

Activity areas _____

Toilet rooms _____

5. Floor and wall junctures coved in toilet rooms and food service areas: ☐ Yes ☐ No

6. Carpeting used: ☐ Yes ☐ No Where: _____

Carpeting meets State Fire Marshal's requirements: ☐ Yes ☐ No

7. All painted surfaces, including cribs and toys, free of lead or other toxic materials: ☐ Yes ☐ No

8. Square feet of activity area provided: _____

VENTILATION

1. Description of ventilation system in Activity areas: _____

Toilet rooms: _____

SEWAGE AND LIQUID WASTE DISPOSAL

1. Facility served by public sewage system: ☐ Yes ☐ No

If no, served by a health department approved/permitted individual sewage system: ☐ Yes ☐ No

Date approved: _____ Permit number: _____

WATER SUPPLY

1. Facility served by public water system: ☐ Yes ☐ No Name: _____
If no, served by a health department approved/permitted individual water system: ☐ Yes ☐ No
Date approved: _____ Permit number: _____
Bacteriological samples collected: ☐ Yes ☐ No Date: _____ By: _____
2. Hot and cold water provided at all applicable areas: ☐ Yes ☐ No
3. Water pressure at least 20 psi in all areas: ☐ Yes ☐ No
4. Angle-jet type drinking fountains with non-oxidizing mouth guards provided: ☐ Yes ☐ No Number: _____

INSECT AND RODENT CONTROL

1. All buildings and structures of rat proof construction: ☐ Yes ☐ No
2. All doors opening to outside are close fitting: ☐ Yes ☐ No
3. All screen doors, or doors used in lieu thereof, are self closing: ☐ Yes ☐ No
4. All openings to the outside effectively protected against entrance of insects: ☐ Yes ☐ No

SOLID WASTE

1. Concrete platform or metal rack provided for outside storage of garbage containers: ☐ Yes ☐ No
2. Area provided for cleaning garbage containers: ☐ Yes ☐ No Where: _____
If outside, frost-proof hose bibb provided: ☐ Yes ☐ No Equipped with vacuum breaker: ☐ Yes ☐ No
Hot and cold water provided: ☐ Yes ☐ No

HEATING

1. Type of heating system provided: ☐ Natural gas/Propane ☐ Electric ☐ Coal ☐ Oil ☐ Wood
Gas and oil heating devices properly vented to outside air: ☐ Yes ☐ No
2. Shielding or other effective means used to protect children from direct contact with radiators, registers, hot water pipes and similar hazards: ☐ Yes ☐ No
3. Thermometers provided in all rooms used by children: ☐ Yes ☐ No
Located approximately 30 inches above floor level: ☐ Yes ☐ No

LIGHTING

1. Play and activity surfaces have at least 50 foot candles of illumination at floor level: ☐ Yes ☐ No
2. All other areas have at least 30 foot candles of illumination at floor level: ☐ Yes ☐ No
3. All light bulbs and fluorescent tubes protected by effective shields: ☐ Yes ☐ No

SANITARY FACILITIES

1. Number provided, toilet rooms: _____ flush toilets: _____ lavatories: _____
2. Toilet fixtures sized so they may be used by children without assistance: ☐ Yes ☐ No
If no, step stools provided that are properly constructed for safety and easily cleanable: ☐ Yes ☐ No
3. Separate and private toilet rooms provided for males and females who are 6 years of age or older: ☐ Yes ☐ No

4. Toilet rooms open directly into kitchen: ☐ Yes ☐ No
5. Door construction: ☐ Solid ☐ Louvered
6. Lavatories provided within or immediately adjacent to toilet rooms: ☐ Yes ☐ No
7. Lavatories provided with mixing faucets or tempered water: ☐ Yes ☐ No
8. Separate adult employee toilet rooms provided: ☐ Yes ☐ No Number of toilets provided: _____
9. Toilet rooms have covered waste containers: ☐ Yes ☐ No
10. Diaper changing will take place on premises: ☐ Yes ☐ No

If yes, Location: _____

Construction materials of diaper changing surface: _____

Approved hand washing facilities readily accessible to diaper changing area: ☐ Yes ☐ No

Soiled diapers stored in non-absorbent, easily cleanable, covered containers with plastic liner: ☐ Yes ☐ No

Feces from soiled diapers will be disposed: _____

Plastic liner containing disposable diapers disposed of along with garbage and refuse: ☐ Yes ☐ No

11. Toilet training chairs provided and of easily cleanable construction: ☐ Yes ☐ No

12. Facilities for emptying, cleaning and disinfecting toilet training chairs provided: ☐ Yes ☐ No

Location: _____

STORAGE AREAS

1. Approved storage facilities provided for, but not limited to, the following items:

☐ foodstuffs ☐ utensils ☐ toys ☐ work materials ☐ clothing ☐ linens ☐ medicines ☐ cleaning supplies ☐ toxic materials and all items which may be potentially hazardous to children

2. Locked cabinets provided for poisons and other potentially hazardous items: ☐ Yes ☐ No

ACTIVITY AREAS

1. Activity equipment free of safety hazards, of smooth construction, and easily cleanable: ☐ Yes ☐ No

2. Outdoor activity areas well drained: ☐ Yes ☐ No Free of safety hazards: ☐ Yes ☐ No

Enclosed by fence or other suitable barrier: ☐ Yes ☐ No

3. Supports for equipment used for climbing and similar play activities securely fastened to the ground: ☐ Yes ☐ No

4. Wading pool provided: ☐ Yes ☐ No Health department approved and permitted: ☐ Yes ☐ No

Date approved: _____ Permit number: _____

FOOD SERVICE FACILITIES

1. Meals provided: ☐ Yes ☐ No

2. Meals prepared on the premises: ☐ Yes ☐ No

If yes, floor plans and completed health department form SF-35 submitted with application: ☐ Yes ☐ No

If no, source from which food is obtained: _____

3. Snacks provided: ☐ Yes ☐ No Describe: _____

LAUNDRY

1. Laundering done on premises: ☐ Yes ☐ No

Separate room provided: ☐ Yes ☐ No Location: _____

2. Non-absorbent, cleanable, covered containers provided for storing soiled laundry: ☐ Yes ☐ No

3. Washing machines installed to prevent back-siphonage: ☐ Yes ☐ No

4. Storage facilities provided for clean laundry to prevent soiling or contamination prior to use: ☐ Yes ☐ No

Location: _____

5. Minimum temperature of laundry water supply (°F): _____

6. Method used to dry laundry: ☐ Machine ☐ Line dry

BEDDING AND SLEEPING AREA

1. Type of equipment provided: ☐ Cots ☐ Cribs ☐ Mats ☐ Mattresses & Bedding

If mattresses used, mattress pads and waterproof covers provided: ☐ Yes ☐ No

2. Double-decker beds, if provided, used only for children 9 years of age or older: ☐ Yes ☐ No

3. Each child's bedding identified and used only for that child: ☐ Yes ☐ No

4. Cribs, cots, or mattresses spaced a minimum of 24 inches apart while in use: ☐ Yes ☐ No

5. Crib bars no farther apart than 2 3/8 inches: ☐ Yes ☐ No

6. Crib sides secure and high enough to prevent accidents, top of mattress to top of crib at least 26": ☐ Yes ☐ No

SAFETY

1. First aid kit provided: ☐ Yes ☐ No Type: _____

List contents: _____

ANIMALS

1. Animals kept on premises: ☐ Yes ☐ No

Indoors: ☐ Yes ☐ No Location: _____

Minimum temperature of room(s): _____

Type of animal(s): _____ Age(s): _____ Number: _____

2. Cats and dogs vaccinated against rabies, distemper, hepatitis, and Leptospirosis: ☐ Yes ☐ No

3. Outdoor quartering area(s) for animals complete and separate from children's outdoor activity areas: ☐ Yes ☐ No

Plans and information submitted by: _____

Title: _____

Date: _____

Telephone: _____

ANAB-CFP Accreditation Program (Accredited)

#	Organization	ID
1	<u>AAA Trainers Inc. (DBA: AAA Food Handler/1 AAA Food Handler)</u> Certified Food Protection Manager	9160
2	<u>APS Culinary Dynamics (DBA: World Food Safety Organization)</u> WFSO-USA Food Protection Manager	9129
3	<u>Certus/StateFoodSafety</u> StateFoodSafety Certified Food Protection Manager (CFPM) Exam	1020
4	<u>DSBWorldWide, Inc (DBA: EduClasses®)</u> FMC® Food Managers Certification	1135
5	<u>Learn2Serve</u> Learn2Serve® Food Protection Manager Certification Program	0975
6	<u>My Food Service License</u> Certified Food Protection Manager	9154
7	<u>National Registry of Food Safety Professionals</u> Food Protection Manager Certification Program International Certified Food Safety Manager	0656
8	<u>National Restaurant Association Solutions</u> ServSafe® Food Protection Manager Certification Program	0655
9	<u>Relish Works, Inc. (DBA: Trust20)</u> Food Protection Manager	9065
10	<u>Responsible Training / Safeway Certifications, LLC</u> Food Protection Manager Certification	1042
11	<u>The Always Food Safe Company, LLC</u> Food Protection Manager Certification	1203

Berkeley County Health Department
122 Waverly Ct
Martinsburg, WV 25403-1214
304-263-5131



Morgan County Health Department
137 War Memorial Dr
Berkeley Springs, WV 25411-1743
304-258-1513

Berkeley/Morgan County Board of Health

122 Waverly Ct
Martinsburg, West Virginia 25403-1214
304-263-5131

**How to obtain the 2013
US FDA Food Code.**

Online:

Available to print/download from the internet at the following link:

<https://www.fda.gov/food/fda-food-code/food-code-2013>

For public sale by:

**U.S. Department of Commerce
Technology Administration
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161**

(703) 605-6000, refer to report number PB 2005-102200

BERKELEY/MORGAN COUNTY HEALTH DEPARTMENT
Environmental Permit Fees & Fees for Service

Campground Permit

1-10 Sites \$ 70.00 minimum
\$ 7 per site after

Bed & Breakfast \$ 72.00

Hotel/Motel Permit/Cottage Rentals

1-20 Rooms \$150.00
21-50 Rooms \$300.00
51-80 Rooms \$450.00
Over 81 \$600.00

Labor Camps \$150.00

Organized Camps \$108.00

Care Facility \$72.00

Child Care Center Permit

7-12 Children \$72.00
13-25 Children \$150.00 + Food Permit
26 or More \$222.00 + Food Permit

Tattoo/Body Piercing Studio

Tattoo \$200.00
Piercing \$200.00

Recreational & Therapeutic Water Facility

To include beach, pool, spa \$150.00

Food Service Establishment Permit

0-20 Seats \$150.00
21-50 Seats \$300.00
51-80 Seats \$450.00
81 & Up \$600.00
ABC Fee \$150.00 (add to permit fee)

Plan review fees (new establishments)

0-20 Seats \$75.00
21-50 Seats \$125.00
51-80 Seats \$225.00
81 Seats & Above \$325.00

Retail Food Store Permit

Per check-out \$72.00

Mass Gathering Permit

\$72.00 (greater than 500 people)

Mobile Food Unit \$150.00

Temporary Food Service Establishment

1-14 Consecutive Days (per event) \$72.00

Vending Machines \$72.00

Maximum fee per site \$432

Manufactured Home Community
(Mobile Home Park)

4-10 Sites \$150.00
11-20 Sites \$180.00
21-30 Sites \$270.00
More than 30 \$330.00

Septic System Permit

Class I System Fee (includes DEP) \$250.00
Class II System Fee (includes DEP) \$475.00

Septic System Repair Permit

Repair Fee – Class 1 & 2 \$75.00
If replacing tank - Class I \$250.00
Class II \$475.00

Septic Permit Renewal Fee

BCHD \$50.00 per year
MCHD \$50.00 per year
Max of 2 Renewals. When max is met then must
reapply for new permit.

Reapplication Fees for Expired Permits

Class 1 \$220.00
Class 2 \$445.00

Re-inspection fee - \$125 per visit (not to exceed the initial cost of permit or service fee)

*Re-inspection fees for non-profits will be reviewed and decided on by Administration

Research Fee (per lot) \$25.00

Copy Fee per Page \$0.50

Well Permit

New or Emergency Well \$150.00

Geothermal Well Permit

1-50 ton heat pump system \$150.00

50-above ton heat pump system \$300.00

Well permit renewal - \$50.00

No fee for deepening an existing well.

Water Test Fee

BCHD \$95.00

BCHD Resample fee \$95

MCHD \$95.00 (with shipping \$113.00)

MCHD Resample fee \$95 (w/ shipping \$113.00)

Evaluation Fee

Septic Evaluation (only) \$75.00

Well Evaluation (only) \$75.00

Septic & Well Evaluation \$75.00

Home Loan Evaluation (Dye Test) \$75.00

Single Perk Test \$75.00

Reinspection of above services \$75.00

Port-a-Pot review letter \$25.00

Environmental Letter w/o visit \$25.00

Subdivision Fees

\$ 14 per lot

Minimum fee \$140

Manager Level Food Training Exam Proctor Fee

\$75.00

Note: A late fee of 25% for all expired Permits. Excluding Well and Septic Permits.

2.2% service charge plus \$1 credit card transaction fee now applies

Updated 7/1/2024

**TITLE 64
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF HEALTH**

**SERIES 21
CHILD CARE CENTERS**

'64-21-1. General.

1.1. Scope. -- This legislative rule establishes the environmental health requirements for the construction and operation of child care centers.

1.2. Authority. -- W. Va. Code ' 16-1-7.

1.3. Filing Date. -- June 16, 1997.

1.4. Effective Date. -- June 23, 1997.

1.5. Supersession of Former Rule. -- This rule repeals and replaces W. Va. Division of Health Legislative Rule, Child Care Centers, 64 CSR 21, effective March 15, 1974.

1.6. Applicability. -- This rule applies to the owners and operators of child care centers.

1.7. Enforcement. -- This rule is enforced by the director of the division of health.¹

'64-21-2. Definitions.

2.1. Approved. -- A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the division of health.

2.2. Child Care Center. -- Any child care facility providing nonresidential child care for seven (7) or more children for all or part of a day. The term Achild care center@ includes: day care centers, family day care facilities, nursery schools, and preschools. AChild care center@ does not include:

2.2.a. A kindergarten, preschool or school education program operated by a public school, accredited by the state department of education;

2.2.b. An individual or facility which offers occasional, temporary care of children for brief periods while parents are shopping, engaging in recreational activities, attending religious services or engaging in other business or personal affairs;

2.2.c. Summer recreation camps operated for children attending sessions for periods not exceeding thirty (30) days;

¹ The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989. The Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code ' 5F-1-1 et seq.). Administratively within the DHHR the Bureau for Public Health through its Commissioner carries out the public health function of the Division of Health.

2.2.d. Hospitals or other medical facilities which are primarily used for temporary residential care of children for treatment, convalescence or testing; or

2.2.e. Persons providing family day care solely for children related to them, including grandparents, aunts and uncles.

2.3. Day Care Center. -- A child care center which provides nonresidential child care for thirteen (13) or more children on a nonresidential basis.

2.4. Director. -- Director of the division of health or his or her lawful designee.

2.5. Disinfect. -- To eliminate virtually all germs from inanimate surfaces through the use of chemicals (e.g., products registered with the U.S. Environmental Protection Agency as Adisinfecants®) or heat. In the child care environment, a solution of one fourth (3) cup household liquid chlorine bleach added to one (1) gallon of tap water and prepared fresh daily is an effective disinfectant for environmental surfaces and other inanimate objects, if the surfaces have been cleaned.

2.6. Family Day Care Facility. -- A child care center which is used to provide nonresidential child care for seven (7) to twelve (12) children, including children who are living in the household who are less than six (6) years of age. No more than four (4) of the total number of children may be less than twenty-four (24) months of age.

2.7. Health Officer. -- The director of the division of health or the executive officer of the local board of health or his or her lawful representative.

2.8. Permit. -- A written document, issued by the division of health giving a designated person permission to operate, construct, extend, alter or modify a building or structure to be used, or being used, as a child care center.

2.9. Person. -- Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency or any entity recognized by law.

' 64-21-3. Permits, Hearings, Notices, Orders.

3.1. Construction and Modification.

3.1.a. Except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used or to be used as a child care center without first making written application to the division of health and receiving a permit for the child care center. A person shall not begin construction, extension, alteration, or modifications until the division has issued a permit for the construction.

3.1.b. The division shall not issue a permit for the construction, extension, alteration, or modification of a child care center until it receives an application for a construction permit and detailed plans and specifications of the child care center for review and approval.

3.1.c. The applicant shall submit a written permit application on a form prescribed by the division. The form shall be signed by the applicant or his or her authorized agent and shall contain all information requested by the division to enable it to determine if the child care center construction, extension, alteration, or modification is or will be in compliance with the applicable provisions of this rule.

3.1.d. When upon review of the plans, specifications, and application for a permit, the division of health is satisfied that the proposed construction, extension, alteration, or modification of the child care center is satisfactory, it shall issue a permit. If the construction, extension, alteration, or modification activities have not begun within six (6) months from the date of issuance of a permit, the permit automatically expires.

3.1.e. The application, plans, and specifications shall include, but not be limited to: a plot layout; floor plans; building specifications; type of material used; a list of food service equipment; the type of potable and waste water treatment systems; and the type of heating and ventilation systems.

3.1.f. The applicant shall submit plans, specifications, and an application for a permit at least forty-five (45) days prior to the date that construction, extension, alteration, or modification is to begin.

3.1.g. The division of health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting documentation is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of this rule cannot be met.

3.1.h. The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications approved by the division of health. Prior to implementing a deviation from the approved plans and specifications, the applicant shall obtain written approval from the division.

3.2. Permit to Operate.

3.2.a. No person shall operate a child care center unless the person has in his or her possession a valid permit issued by the health officer to operate a specific child care center.²

3.2.b. The applicant shall submit a written permit application to the health officer on a form prescribed by the division. The form shall be signed by the applicant or his or her authorized agent and shall contain all information requested by the division to enable it to determine if the child care center and its operation are in compliance with the applicable provisions of this rule.

3.2.c. The applicant shall submit an application for a permit at least fifteen (15) days before the actual or proposed operation of the child care center is scheduled to begin.

3.2.d. The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of this rule cannot be met.

3.2.e. Only persons who comply with the applicable provisions of this rule are entitled to retain a permit.

3.2.f. Child care centers in operation at the time this rule becomes effective, which meet all applicable prior rules, are eligible for a permit to operate. Any construction, extension, modification or alteration taking place after the effective date of this rule in child care centers permitted under this subdivision shall comply with all applicable provisions of this rule.

² The permit issued under this rule is one of several approvals required in order for a child care center (a day care center, a family day care facility, or other type of child care center) to obtain a license or certification to operate issued by the division of human services.

3.2.g. Child care centers put into operation after the effective date of this rule shall comply in full with all applicable provisions of this rule.

3.2.h. Permits are not transferable or assignable and automatically become invalid upon a change of ownership or upon suspension or revocation.

3.2.i. A permit to operate expires at midnight on the thirty first day of December following the date of issuance.

3.2.j. In the event of an intended change or actual change in ownership of a child care center, the applicant shall submit an application for a permit to operate at least fifteen (15) days prior to the date of the proposed or actual change.

3.2.k. The health officer may suspend or revoke a permit if he or she finds that the child care center is being maintained or operated in violation of this rule or any applicable law, rule or ordinance.

3.2.l. The health officer shall not reinstate a permit to operate until he or she determines by an inspection that the child care center is in compliance with all applicable provisions of this rule and any orders, rules or instructions issued by the health officer.

3.2.m. The operator shall post the operational permit in a conspicuous place within the child care center, and the permit shall be readily available to the health officer.

3.3. Hearings, Notices and Orders.

3.3.a. Any person whose application for the construction, extension, alteration, or modification of a child care center has been denied may petition and shall be granted a hearing on the matter within ten (10) days after the health officer has received a written petition requesting a hearing.

3.3.b. Any person whose application for a permit to operate a child care center has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within ten (10) days after the health officer has received written petition for the hearing.

3.3.c. When a health officer finds insanitary or other conditions which constitute an immediate substantial hazard to public health at a child care center, he or she may, without warning notice or a hearing, issue a written order to the operator. The order shall cite those conditions and shall specify the corrective action to be taken by the child care center and the time period in which the action shall be completed. When necessary, the order shall state that the permit to operate the child care center is immediately suspended.

' 64-21-4. Inspections.

4.1. The health officer shall inspect each child care center at least once each six (6) months. The health officer shall also make additional inspections needed to determine satisfactory compliance with the provisions of this rule and any orders, notices, instructions, or specifications issued pursuant to this rule.

4.2. The health officer may consider any consecutive violation of the same item or items of this rule as cause for the immediate suspension of a permit to operate.

4.3. The operator shall post a copy of the inspection report within the child care center.

4.4. The owner, operator or person in charge of a child care center, shall provide the health officer with

free access to the entire premises for the purpose of inspection, and shall furnish all requested information to make the inspection complete.

64-21-5. General Building Requirements.

5.1. Location; Structure; Size.

5.1.a. Child care centers shall be located in a relatively noise and pollution free environment.

5.1.b. Child care center buildings or structures shall be of sound structure and maintained in good repair.

5.1.c. All painted surfaces shall be free of lead pigment and other toxic materials.

5.1.d. Usable floor space of thirty-five (35) square feet per child shall be provided and available for children's activities, exclusive of halls, bathrooms, the kitchen, office space, or storage areas.

5.2. Floors; Walls; Ceilings.

5.2.a. Floors, walls and ceilings shall be of easily cleanable construction.

5.2.b. Toilet rooms and areas housing food service facilities shall have moisture-resistant, nonabsorbent floors.

5.2.c. Toilet rooms and areas housing food service facilities shall have water-resistant walls to a minimum level of four (4) feet above floor level.

5.2.d. Toilet rooms and areas housing food service facilities shall provide a coved juncture between the floor and wall.

5.2.e. Carpeting shall be securely attached or of a non-skid nature.

5.2.f. Carpeting shall not be used in toilet rooms or areas housing food service facilities.

5.2.f.1. In family day care facilities carpeting may be used in kitchen and dining areas if it is easily cleanable and kept clean and in good repair.

5.3. Heating; Ventilation.

5.3.a. All rooms shall have approved ventilation either by natural or mechanical means. Fans shall have shields with openings less than one-half inch or be out of the reach of children.

5.3.b. Child care centers shall be equipped with approved heating units sufficient to provide a temperature of at least sixty-eight degrees Fahrenheit (68°F) at floor level in all rooms used by children.

5.3.c. Unguarded open-face heaters are prohibited.

5.3.d. Oil and gas fired heating devices shall be properly vented to the outside air.

5.3.e. Shielding or other effective means shall be used to protect the children from direct contact with

radiators, registers, hot water pipes and similar hazards.

5.3.f. All rooms used by children shall have a thermometer which shall be located approximately thirty (30) inches above floor level. Thermostats are not acceptable in lieu of thermometers.

5.4. Insect and Rodent Control.

5.4.a. All buildings or structures shall be of rat-proof construction.

5.4.b. All doors opening to the outside shall be close-fitting. Screen doors or doors used in lieu of screen doors shall be self-closing.

5.4.c. All openings to the outer air shall be effectively protected against the entrance of insects.

5.4.d. The child care center shall be free of insects and rodents at all times.

5.4.e. Only those insecticides and rodenticides approved by the U. S. Environmental Protection Agency shall be used in child care centers.

5.5. Lighting.

5.5.a. Play and activity surfaces shall have a minimum of fifty (50) foot candles of illumination at floor level. All other areas shall have at least thirty (30) foot candles of illumination at floor level.

5.5.b. Lighting may be by either natural or artificial means or both.

5.5.c. All light bulbs and fluorescent tubes shall be protected by effective shields.

5.6. Plumbing.

5.6.a. All plumbing shall meet the requirements of local plumbing codes or ordinances, or in their absence, the state building code.

5.6.b. Cross-connections and potential back siphonage possibilities are prohibited.

5.7. Toilet, Lavatory, and Bathing Facilities.

5.7.a. Toilet rooms shall be provided and shall be easily accessible to children.

5.7.b. In day care centers, separate and private toilet facilities shall be provided for males and females who are six (6) years of age or older.

5.7.c. One (1) flush toilet and one (1) lavatory shall be provided for each fifteen (15) children or fraction thereof, excluding children in diapers who are not receiving toilet training.

5.7.d. In day care centers, a hand washing sink shall be located in the diaper changing area. In family day care facilities, a hand washing sink shall be readily accessible to the diaper changing area.

5.7.e. Toilet fixtures shall be sized so that they may be used by children without assistance, or step stools and/or modified toilet seats which are safely constructed and can be cleaned easily may be used in lieu

of specially sized toilet fixtures.

5.7.f. Lavatories shall be provided in or immediately adjacent to all toilet rooms. Each lavatory shall have mixing faucets, or be provided with tempered water. All lavatories shall be provided with soap and single service sanitary towels.

5.7.g. Waste receptacles shall be provided adjacent to lavatories for used paper towels.

5.7.h. If provided, separate adult employee toilet rooms shall have a minimum of one (1) flush toilet. At least one (1) lavatory shall be located within or immediately adjacent to the toilet room.

5.7.i. Adult employee toilet rooms shall meet the requirements of subdivisions 5.7.f and 5.7.g of this rule.

5.7.j. All toilet rooms shall have a covered waste container.

5.7.k. If night-time care is provided, a bathtub or shower shall be provided as well as age-appropriate bathing facilities for children of toddler age or younger.

5.7.k.1. No child under age six (6) shall be left unsupervised while bathing.

5.7.k.2. Soap and clean, individual washcloths and towels shall be provided for each child.

5.7.k.3. Bathtubs and showers shall be equipped to prevent slipping.

64-21-6. Activity Areas and Equipment.

6.1. All activity equipment shall be free of safety hazards, shall be of smooth construction and, where applicable, easily cleanable. Activity equipment shall include, but not be limited to: toys, furnishings, tables, chairs, cots and similar equipment.

6.2. Usable outdoor play space of seventy-five (75) square feet per child shall be provided on the premises or within walking distance of the facility. Play times may be staggered, and space may be based on the number of children using the area at one (1) time.

6.2.a. Outdoor play spaces shall be well-drained and free of litter, solid waste and refuse, ditches, abandoned cars, used appliances, animal feces, toxic plants, or other conditions presenting a hazard.

6.2.b. Outdoor play spaces provided by day care centers shall be fenced or have natural barriers such as hedges or stationary walls at least three (3) feet high.

6.2.c. In family day care facilities, all areas accessible to the outdoor play area which are unsafe for children shall be fenced off or have natural barriers at least three (3) feet high to protect children. Unsafe areas may include, but are not limited to: steep grades; cliffs; open pits; swimming pools; high voltage boosters; propane gas tanks; streets; roads; driveways; railroad tracks; and parking lots.

6.2.d. Outdoor equipment used for climbing and similar play activities shall be installed to prevent tipping or collapse. Swings, slides, and climbing equipment shall not be placed over or immediately adjacent to concrete, asphalt, brick, or similar hard surfaces.

6.3. Sandboxes shall be covered when not in use.

6.4. Wading pools are prohibited unless they are an integral part of a swimming pool which complies with the division of health rule, Swimming Pool and Bathing Beach, 64 CSR 16.

' 64-21-7. Animals.

7.1. Animals are permitted on child care premises.

7.2. Animals and their quarters shall be kept in a clean condition at all times.

7.3. Wild, dangerous, aggressive or obviously ill animals are prohibited.

7.4. Aquariums shall be under the supervision of the child care staff, located in the activity areas and kept out of reach of children.

7.5. Dogs and cats shall be currently vaccinated against rabies, distemper, hepatitis, and leptospirosis.

7.6. In day care centers, the outdoor quartering areas of dogs and cats shall be completely separate from children's outdoor activity areas.

7.7. Indoor animal quarters and litter boxes shall not be located in food preparation, storage, or serving areas.

7.8. Live animals, including birds and turtles, shall be excluded from food preparation, storage and serving areas, and in-use dining areas. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums.

' 64-21-8. Bedding and Sleeping Areas.

8.1. The child care center shall provide each child who takes a nap with an individual bed, sturdy cot, crib, couch, baby bed, playpen, or mat. In family day care facilities, siblings may share double beds.

8.2. The child care center shall provide separate cribs for infants who are not yet able to climb. Cribs shall be spaced a minimum of twenty-four (24) inches apart on all sides. Bars on cribs shall be no farther apart than two and three-eighths (2 $\frac{3}{8}$) inches, and crib sides shall be secure and high enough to prevent accidents.

8.3. The child care center shall provide individual sheets and covers for each child. Sheets and covers shall be laundered at least weekly or whenever soiled or prior to use by another child.

8.4. Mattresses, mats, cots, and other sleeping surfaces shall be water-proof or shall have a water-proof cover.

8.5. Stackable cribs are prohibited. The upper levels of double-deck beds shall not be used by children under nine (9) years of age.

' 64-21-9. Diaper Changing and Toilet Training.

9.1. Children shall be diapered or have soiled underwear changed in an established diaper changing area. The changing area shall not be located in food preparation areas.

9.2. Staff shall change children diapers or soiled underwear on a clean, safe, impervious, nonabsorbent surface which is used for no other purpose.

9.3. Staff shall clean the child=s perineal (urinary and anal) area with disposable wipes.

9.4. After removing a soiled diaper and before putting a fresh diaper on a child, staff members shall wipe their own hands with a pre-moistened towelette or a damp paper towel.

9.5. Both the child=s and the staff member=s hands shall be thoroughly washed after each diaper change. If disposable gloves are used, they must be discarded immediately and hands washed.

9.6. Changing tables and surfaces shall be cleaned and disinfected after each use by cleaning to remove visible soil, followed by wiping with an approved disinfectant solution, whether or not disposable, nonabsorbent paper is used. If disposable paper is used, it shall be discarded immediately after each diapering.

9.7. Soiled cloth diapers and/or soiled training pants shall be stored in a labeled container with a tight-fitting lid provided by a commercial diaper service or in a sealed plastic bag which is sent home with the child at the end of the day. If diapers are laundered by a commercial diaper service, the service shall be accredited by the Diaper Service Accreditation Council. Feces from soiled cloth diapers or training pants shall be disposed of by dumping in a toilet.

9.8. Soiled disposable diapers shall be stored in conveniently located, washable, plastic-lined, tightly covered waste containers. Each container shall be labeled and kept clean and free of buildup of soil and odor.

9.9. Toilet training chairs, if used, shall be of easily cleanable construction and after each use shall be emptied into a toilet, and thoroughly cleaned and sanitized in a utility sink.

9.10. Hand washing sinks shall not be used for rinsing soiled diapers or clothing or for cleaning toilet training equipment.

' 64-21-10. Employee Health.

10.1. All staff members shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to good hygienic practices while on duty.

10.2. Staff members shall not use tobacco in any form while engaged in any food service activities, feeding children or administering to the children's needs.

10.3. Smoking is prohibited in children's areas.

10.4. No staff member while affected with any disease in a communicable form, or while a carrier of such a disease, or while affected with boils, infected wounds, sores, or a respiratory infection shall work in any capacity in which there is a likelihood of the staff member transmitting the disease or condition to other persons. No person known or suspected of being affected with any such disease or condition shall be employed in any area or capacity in which there is a likelihood of the person transmitting the disease or condition to other persons. In family day care facilities, appropriate measures shall be taken to protect staff and children from the direct or indirect transmission of diseases from non-staff household members.

10.5. The staff shall employ universal precautions for protection from disease and infection.

10.5.a. Spills of body fluids, which include urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges, shall be cleaned up immediately.

10.5.b. Surfaces soiled by spills of vomit, urine, feces, blood or blood-containing body fluids or by spills due to injury and tissue damage shall be cleaned and disinfected.

10.5.c. Persons cleaning contaminated areas shall avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids.

10.5.d. Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

10.5.e. Mops shall be cleaned with a disinfectant solution.

64-21-11. Food Service.

11.1. Child care centers shall comply with the division of health's rule, Food Service Sanitation Rules, 64 CSR 17, except as specified in Section 11.2 of this rule.

11.2. Family day care facilities may use an on-site kitchen which complies with the following requirements:

11.2.a. All food preparation, service and storage areas, and all equipment and utensils shall be kept clean and in good repair;

11.2.b. Food contact surfaces of equipment and utensils shall be non-toxic, easily cleanable, and cleaned and sanitized after each use;

11.2.c. Dish washing facilities shall be provided and methods used to effectively remove food soil and sanitize dishes, utensils and equipment. Except for fixed equipment and utensils too large to be cleaned in sink compartments, dishes, utensils and equipment shall be washed in a mechanical dishwasher capable of sanitizing, or washed in a hot detergent solution, rinsed free of detergent and abrasives, and sanitized by one (1) of the following methods:

11.2.c.1. Immersion for at least thirty (30) seconds in water at a temperature of one hundred seventy degrees Fahrenheit (170EF);

11.2.c.2. Immersion for at least one (1) minute in water at a temperature of at least seventy-five degrees Fahrenheit (75EF) and containing fifty (50) parts per million of available chlorine (approximately one (1) tablespoon liquid household bleach per gallon of water); or

11.2.c.3. Immersion in a clean solution containing any other approved chemical sanitizing agent;

11.2.d. Dishes, utensils and equipment shall be air dried;

11.2.e. Food shall be in sound condition, free from spoilage, filth or other contamination and shall be obtained from approved sources. Home-canned food is prohibited except for jams, jellies, preserves, apple butter, syrup and honey. Fluid milk and milk products shall be pasteurized and packaged in an approved milk

processing plant;

11.2.f. Adequate refrigeration equipment shall be provided and used for perishable foods and shall be capable of maintaining food temperatures at forty-one degrees Fahrenheit (41EF) or below;

11.2.g. Food shall be prepared in a sanitary manner and protected at all times from potential contamination, including dust, insects, rodents, unnecessary handling, coughs and sneezes, overhead leakage, and unclean equipment and utensils;

11.2.h. Potentially hazardous foods, such as beef, poultry, and eggs, shall be thoroughly cooked;

11.2.i. Prepared foods shall be served immediately, refrigerated, or held at one hundred forty degrees Fahrenheit (140EF) or above;

11.2.j. Food service workers shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting to work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet; and

11.2.k. Food service workers shall employ good hygienic practices, shall wear clean clothing and hair restraints, and shall not use tobacco products in the food preparation and service areas.

11.3. When required by the local health department having jurisdiction over the county in which the center is located, all persons engaged in food service activities shall have valid food service workers= permits.

' 64-21-12. Garbage and Refuse Disposal.

12.1. All garbage and refuse shall be stored in approved watertight and vermin-proof containers.

12.2. When not in constant use, garbage and refuse containers shall be covered with tight-fitting lids.

12.3. Garbage and refuse shall be removed from the premises weekly, or more often, if necessary.

12.4. Except for family day care facilities, a concrete platform or a metal rack is required for outside storage of garbage and refuse containers.

12.5. Garbage and refuse containers shall be cleaned after each emptying.

12.6. If garbage and refuse container cleaning operations are conducted outside, then a frost-proof hose bibb shall be provided.

' 64-21-13. Hand Washing.

13.1. Staff members shall wash their hands thoroughly in an approved lavatory before starting work, after changing a diaper and otherwise as often as necessary to remove soil and prevent contamination. No staff member shall resume work after visiting the toilet room without first washing his or her hands.

13.2. Children=s hands shall be washed before and after eating meals and snacks, after handling pets or other animals, after visiting the toilet room, and before any food service activity, including setting the table.

' 64-21-14. Housekeeping and Sanitation.

14.1. All areas and equipment of the child care center shall be kept clean and in good repair and in a neat and orderly condition at all times. Indoor environmental surfaces associated with children=s activities, such as table tops, shall be cleaned and disinfected when they are soiled or at least once weekly.

14.2. Toys that are placed in children=s mouths or are otherwise contaminated by body secretions or excretions shall be set aside to be cleaned and disinfected before handling by another child. Machine-washable cloth toys can be used and shall be machine-washed when contaminated.

14.3. All frequently touched toys in rooms in which infants and toddlers are cared for shall be cleaned and disinfected daily. Toys in rooms in which older, non-diapered children are cared for shall be cleaned weekly and when soiled. The use of soft, non-washable toys for infants and toddlers shall be limited to personal use articles that are not shared between children.

14.4. Toilet rooms, flush toilets, toilet training equipment, and fixtures shall be cleaned and sanitized at least daily and when obviously soiled.

14.5. Rooms shall not be routinely cleaned while occupied by children.

'64-21-15. Laundry.

15.1. In day care centers, laundry done on the premises may not be done in children=s activity areas or in food preparation, service or storage areas.

15.2. Soiled laundry shall be stored in nonabsorbent easily cleanable covered containers.

15.3. Soiled and clean laundry shall not be stored or placed in the same container or on a common table or shelf.

15.4. Clean laundry shall be stored in a manner to protect it from being soiled or contaminated prior to use.

15.5. Laundry shall either be mechanically washed and dried or mechanically washed, rinsed in a chemical sanitizing solution, and air-dried.

'64-21-16. Safety.

16.1. All necessary precautions shall be taken to insure an accident-free environment for the children.

16.2. Children shall be supervised at all times in accordance with the applicable staff/child ratios set forth in the division of human services rules, Family Day Care Facilities, 78 CSR 18, and Day Care Centers, 78 CSR 1.

16.3. Stairways, walks, corridors and all other areas of the child care center shall be free of ice, snow, physical obstructions, or any other item which may be a safety hazard. Porches, balconies, decks, or platforms elevated more than three (3) feet above the ground shall be equipped with secure child-proof railings or barriers. Stairways shall be provided with railings and with barriers or safety gates at the top and bottom whenever infants, toddlers or preschool children are in care.

16.4. A first aid kit shall be provided on the premises and shall be readily available at all times. The minimum contents of the kit shall include, but not be limited to, band aids; thermometer; gauze; tape; scissors;

tweezers; disposable, nonporous gloves; a first aid guide; and syrup of ipecac. Syrup of ipecac shall be used only with prior authorization from the parent and at the direction of a poison control center or the child's physician. First aid supplies shall not be accessible to the children in care. Staff shall take a first aid kit on all trips away from the facility.

' 64-21-17. Sewage System.

17.1. Sewage and excreta disposal systems shall comply with the division of health's rule, Sewage Systems, 64 CSR 9.

17.2. Sewage and excreta disposal systems shall be kept in good repair and properly maintained and operated.

' 64-21-18. Storage.

18.1. Approved storage facilities shall be provided for, but not limited to, the following items: food stuffs, utensils, toys, work materials, cleaning supplies, clothing, linens, medicines, toxic materials, and all items which may be hazardous to children.

18.2. Poisons and other potentially hazardous items shall be inaccessible to children and stored in their original containers.

' 64-21-19. Water Supply.

19.1. Potable water shall be provided from an approved source in sufficient quantity to meet the needs of the center.

19.1.a. If the center is served by a public water system, it shall be in compliance with the division of health's rule, Public Water Systems, 64 CSR 3.

19.1.b. If the center is not served by a public water system, the water supply shall be approved by the health officer.

19.2. Hot and cold running water, with a minimum pressure of twenty pounds per square inch (20 p.s.i.), shall be provided in all areas where food is prepared, at utility sinks, lavatories, and at all hand washing, bathing, dish washing, and laundry facilities. Where the water will be in direct contact with children, the temperature shall not exceed one hundred twenty degrees Fahrenheit (120°F).

19.3. Drinking fountains, if provided, shall be of the angle-jet type with a non-oxidizing mouth guard.

19.3.a. Drinking fountains shall be easily accessible to the children and the water pressure at the fountains shall be properly regulated.

19.3.b. Drinking fountains, if provided, shall be at the ratio of one (1) per each forty (40) children or fraction thereof.

19.3.c. Drinking cups shall be dispensed from an approved sanitary single service dispenser. This does not preclude the use of properly washed and sanitized glasses.

' 64-21-20. Penalty for Violating Provisions of Regulations.

20.1. Any person who violates any provision of this rule is guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days or both fine and imprisonment.

20.2. Each day's failure to comply with any applicable provision of this rule constitutes a separate offense.

' 64-21-21. Administrative Due Process.

Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so as prescribed in the division of health=s administrative rule, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64CSR 1.

2013 Food Code Spec Sheet

SANITIZATION: CONCENTRATION, pH, TEMPERATURE, HARDNESS AND CONTACT TIME			
Minimum Concentrations ppm or mg/L	pH ≤ 10.0 & minimum Temperature	pH≤ 8.0 Minimum Temperature	Contact Time
Chlorine 25	120°F (49°C)	120° F (49°C)	≥10 seconds
Chlorine 50	100°F (38°C)	75° F (24°C)	≥7 seconds
Chlorine 100	55°F (13°C)	55° F (13°C)	≥10 seconds
Iodine ≥ 12.5 to 25	pH ≤ 5.0 or per label; ≤ 75° F (24°C)		≥ 30 seconds
Quaternary Ammonium, per label	Water hardness ≤ 500 ppm or mg/L or per label; ≥ 75°F (24°C)		
Hot Water Sanitize, 3 compartment sink w/ integral heating device	≥ 171°F (77°C) immersed in rack or basket for 30 seconds		

NOTE: All chemical sanitizers shall be listed in 40 CFR 180.940 Sanitizing Solutions and used in accordance with the EPA approved Manufacturer's label use instructions or, for sanitizers generated on-site, be subject of an effective food contact notification for this purpose and comply with 40 CFR 156 Labeling Requirements for Pesticides and Devices.

WAREWASHING: MECHANICAL AND MANUAL		Minimum Wash Temperature	Minimum Sanitizing Temperature
SPRAY TYPE WAREWASHERS: Single Tank, Hot Water Sanitize	Stationary rack, single temperature	165°F (74°C)	165°F (74°C)
	Stationary rack, dual temperature	150°F (66°C)	180°F (82°C)
	Conveyor, dual temperature	160°F (71°C)	
Multi-tank, Hot Water Sanitize	Conveyor, multi temperature	150°F (66°C)	Sanitization levels as stated in the above table or per labeled manufacturer's instructions on the container
Chemical Sanitize	Any warewashing machine	120°F (49°C)	
3 Compartment Sink	Cleaning agent labeling may permit lower washing temperatures	110°F (43°C)	

MINIMUM COOKING TEMPERATURES AND HOLDING TIME AT SPECIFIED TEMPERATURES

165°F (74°C) for 15 seconds	poultry; wild game animals (live caught or field dressed) <u>STUFFED</u> fish, meat, pork, pasta, poultry or ratites; and
7 log reduction in microorganisms (or 7D kill)	<u>STUFFED</u> containing fish, meat, poultry or ratites.
165°F (74°C) with a 2 minute post cooking hold	Microwave Cooking for raw animal foods: covered, rotated or stirred throughout or midway through the cooking process, and held for 2 minutes covered.
7D kill	
155°F (68°C) for 15 seconds or 158°F (70°C) for <1 second	ratites; injected meats;
150°F (66°C) for 1 minute	<u>COMMINGLED</u> raw animal foods such as fish, ground beef & other meats, commercially raised game animals, exotic animal or rabbits; and
145°F (63°C) for 3 minutes	<u>RAW SHELL EGGS</u> not prepared for immediate service (combined or hot hold), {also see Highly Susceptible Populations (HSP)}.
5D kill	
145°F (63°C) for 15 seconds	raw shell eggs prepared for immediate service; commercially raised game animals, exotic animals or rabbits; and other raw animal foods not
3D kill	otherwise specified in this table.
Surface temperature ≥ 145°F (63°C) + cooked color change on all external surfaces	<u>WHOLE-MUSCLE, INTACT BEEF STEAK</u> that is properly labeled as such may be served undercooked as RTE if not serving a HSP

WHOLE ROASTS OF BEEF, CORNED BEEF, PORK OR CURED PORK

145°F (62.8°C) 4 minutes*	158°F (70.0°C) 0 sec.*	Oven Type	Roast Weight <10 lbs. (4.5 kg)	Roast Weight ≥10 lbs. (4.5 kg)
144°F (62.2°C) 5 minutes*	157°F (69.4°C) 14 sec.*			
142°F (61.1°C) 8 minutes*	155°F (68.3°C) 22 sec.*	Still Dry	≥ 350°F (177°C)	≥ 250°F (121°C)
140°F (60.0°C) 12 minutes*	153°F (67.2°C) 34 sec.*			
138°F (58.9°C) 18 minutes*	151°F (66.1°C) 54 sec.*	Convection	≥ 325°F (163°C)	≥ 250°F (163°C)
136°F (57.8°C) 28 minutes*	149°F (65.0°C) 85 sec.*			
135°F (57.2°C) 36 minutes*	147°F (63.9°C) 134 sec.*	High Humidity¹	≤ 250°F (121°C)	≤ 250°F (121°C)
133°F (56.1°C) 56 minutes*				
131°F (55.0°C) 89 minutes*		¹ Relative humidity > 90% for ≥ 1 hour as measured in the cooking chamber or oven vent, or in a moisture- impermeable bag that provides 100% humidity.		
130°F (54.4°C) 112 minutes*				
6.5 D kill				
*Note: holding time may include post-cooking heat rise				

PLANT FOOD COOKING FOR HOT HOLDING	
135°F (57°C)	Fruits and vegetables that will be hot held shall be cooked to the hot holding temperature of 135°F (57°C)

NON-CONTINUOUS COOKING: Food receiving a non-continuous process requires minimum cooking times and temperatures after cooling or freezing.

REHEATING FOR IMMEDIATE SERVICE: Cooked and refrigerated RTE foods for a consumer's order may be served at any temperature, (i.e. roast beef sandwich au jus).

REHEATING FOR HOT HOLDING: To be completed ≤ 2 hours. Leftovers shall be reheated to at least 165°F (74°C) for 15 seconds {microwave is 165°F (74°C) rotated or stirred, covered, held for 2 minutes}. Remaining unsliced portion of beef or pork roasts cooked as stated in Table 1 above may be reheated with the same initial cooking parameters listed in table 1. Commercially processed, packaged, ready-to-eat (RTE) food shall be reheated to at least 135°F (57°C).

COLD & HOT HOLDING: Cold foods $\leq 41^\circ\text{F}$ (5°C). Hot foods $\geq 135^\circ\text{F}$ (57°C), except beef & pork roasts cooked or reheated as stated above, may be held at 130°F (54°C).

COOLING TCS (PHF) FOOD:

Hot foods: 135°F to 70°F (57°C to 21°C) within 2 hours, and 135°F to 41°F (57°C to 5°C) within 6 hours or less.

Ambient room temperature: cooled to 41°F (5°C) within 4 hours, i.e. Reconstituted foods, canned tuna

COLD RECEIVING: Laws allowing shipping temperatures $\geq 41^\circ\text{F}$ (5°C) for certain products shall be cooled to 41°F (5°C) within 4 hours, *except* that time parameters do not apply to raw shell eggs, which must be immediately placed in refrigeration at 45°F (7°C) or less.

TIME AS A PUBLIC HEALTH CONTROL: Written procedures on site & available to the inspector. The working supply (before cooking) or RTE (for service or display) TCS (PHF) FOODS is marked or identified with the maximum 4 hour, or 6 hour time period when removed from temperature controls. After 4 hours, or 6 hours OR if the product is unmarked or mismarked per time, the food shall be discarded. Procedure may not be used with raw eggs in a HSP facility.

FROZEN FOOD: Temperature necessary to keep product frozen "solid" and varies with product type. **SLACKING:** moderating the temperature.

HANDWASHING FACILITIES: Shall be equipped to provide hot water at 100°F by use of a mixing valve.

TEMPERATURE MEASURING DEVICES – TMDS

1. Metal stem or thermocouple thermometers shall be provided, readily accessible and designed to be easily readable.
2. Food TMDs may not have sensors or stems constructed of glass, *except stems encased in a shatterproof coating such as candy thermometers may be used.*
3. Mechanically refrigerated or hot food storage units: equipped with at least one integral or permanently affixed, easily viewed TMD with sensors or a simulated product temperature shall be located in the warmest part of the refrigeration unit and in the coolest part
4. Warewashing machine TMDs to indicate water temperature in each wash and rinse tank: and entering the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank, and availability of irreversible registering temperature indicator required.

THAWING OF FROZEN FOODS

1. Under refrigeration $\leq 41^\circ\text{F}$ (5°C);
2. Cook or microwave as part of an uninterrupted cooking process;
3. Submerge under running water $\leq 70^\circ\text{F}$ (21°C) with sufficient velocity and flow to float off loose particles in an overflow, and no portion of RTE food rises above 41°F, OR any raw animal food that will be properly cooked and does not rise above 41°F for more than 4 hours (includes time exposed to running water, preparation and cooling to $\leq 41^\circ\text{F}$).
4. Remove frozen ROP fish from package prior to thawing or immediately after thawing.